

DEPARTMENT OF NATURAL RESOURCES

2007 DIRECTOR'S ANNUAL REPORT

[PARTIAL REPORT]

DEPARTMENT OF NATURAL RESOURCES

2007 DIRECTOR'S ANNUAL REPORT

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(Final Rules filed during 2005 – 2006 Fiscal Year)

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IC 4-22-2-28.1(k) Responses

IC 4-22-2-28.1(k) Responses

The number of comments, complaints, and questions received by the agency from small businesses during the most recent state fiscal year, categorized by the subject matter of the rules involved.

Administrative Orders and Procedures Act (“AOPA”): Two (2)

LSA Document #06-107(F)

Subsequent to final adoption, two informal inquiries were received by attorneys concerning the history, purpose, and scope of this rule. The inquiries seemed motivated mostly by curiosity. Those asking questions did not identify themselves as being the operators of small businesses.

Fish and Wildlife: Six (6)

LSA Document #06-272(F)

Questions concerning deer hunting with a rifled (312 IAC 9-3-3).

LSA Document #05-261(F)

Questions concerning taking of white-tailed deer and other animals behind a high fence (312 IAC 9-3-2 and 312 IAC 9-3-18.5).

Oil and Gas: Three (3)

LSA Document #05-248(F)

Three comments concerning protection of coal resources.

Regulations of Dams: Zero (0)

LSA Document #06-92(F)

The comments, complaints, and questions routinely received are regarding the larger subject matter of dam safety and the State’s dam safety statute IC 14-27-7.5 [*rather than concerning the permanent rule*]. They can be categorized into seven groups.

- Individuals living in the potential failure flood inundation areas below dams, seeking answers about the safety of the dams that put them at risk and the actions of the dam owners (or lack thereof) to correct deficiencies.
- Engineering firms asking technical questions in either an attempt to learn how to design safe dams, or to understand the concepts of inspecting dams.
- Engineering firms with experience in dam safety engineering seeking to coordinate technical issue review prior to finalizing new dam, or existing dam rehabilitation designs.

- Owners of dams who don't understand why the statute holds them responsible for the safety, high hazard dam inspection, maintenance, operation, and repair of their structures.
- Owners of dams seeking financial assistance for the performance of high hazard dam inspections, maintenance, operation, and repair of their structures.
- Owners of dams seeking free technical guidance on creating or modifying their dam so as to avoid State jurisdiction.
- Owners of dams seeking free technical / engineering analysis and guidance during either times of emergency conditions at their dams, or when deficiencies have grown to the point that structural rehabilitation is required.

Water Well Drillers: One hundred (100)

LSA #05-341(F)

The Division of Water received no complaints from small businesses during the past fiscal year with regard to the revisions made to the water well construction rule. Division staff typically receive approximately 100 questions/comments (two per week) regarding application of the rule each year.

The number of complaints or questions reported that were resolved to the satisfaction of the agency and the small businesses involved.

Fish and Wildlife: Six (6)

LSA Document #06-272(F)

LSA Document #05-261(F)

Administrative Orders and Procedures Act ("AOPA"): Two (2)

LSA Document #06-107(F)

The belief is the questions were answered to the satisfaction of the attorneys. No complaint was registered.

Oil and Gas: Three (3)

LSA Document #05-248(F)

All three issues were resolved to the satisfaction of both the division and businesses involved. Because of the new language added to this rule, operators now have opportunities to save considerable money by requesting and receiving waivers from coal companies concerning the setting of a mine string.

Water Well Drillers: One hundred (100)

LSA #05-341(F)

All questions were believed to have been resolved to the satisfaction of the agency and small businesses involved.

The total number of staff serving as coordinators under this section during the most recent state fiscal year.

There were nine staff members serving as coordinators for a total of 23 rules under IC 4-22-2-28.1 during the State fiscal year 2006–2007.

The agency's costs in complying with this section during the most recent state fiscal year.

Total cost reported by the small business regulatory coordinators in the fiscal year 2006–2007 is \$2,481.15.

The projected budget required by the agency to comply with this section during the current state fiscal year

The projected budget required by the agency with respect to small business regulatory coordinators, for the current fiscal year 2007–2008, is \$2,679.64.